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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
January 29, 2008**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Tara Mastel, JLDC; Bonnie Ramey, Clerk and Recorder; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Melissa Tuemler, Dave Kirsch

**CALENDAR REVIEW**

1/30 Community Development Board – Whitehall – 6:30  
1/31 Managing Emotions Under Stress seminar – Bozeman – 9:00  
2/06 Revised Forest Plan meeting – Butte – 9:00

**COMMISSION REPORTS**

**JOINT POWERS TRUST**

Commissioner Notbohm reported that he attended the JPT meeting in Butte regarding our health insurance. He said that it was a very good presentation and he would recommend that Carla attend the next meeting, as she deals with the insurance.

**CENTER FOR MENTAL HEALTH**

Commissioner Lythgoe reported that he was scheduled to attend the Center for Mental Health Governing Board meeting in Great Falls the previous day, but he did not attend due to the weather.

**RURAL IMPROVEMENT DISTRICTS**

Commissioner Lythgoe reported that the Commission met with Bonnie this morning regarding issues related to RIDs as far as how we deal with RID assessments after the bonds have been sold and the RID has officially set up and subdivisions or boundary relocations take place. Still need to get some information from Mae Nan. The next RIDs that we establish we will put a lot more information into the resolutions. Also talked about polling places. We have a couple places that don't meet ADA requirements – Cardwell and Basin. Bonnie has applied for a variance. If she doesn't get one, those voters will have to go to Whitehall and Boulder.

**MEETING WITH MIKE WAITE**

Commissioner Lythgoe reported that the Commission also met that morning with Mike Waite, January 29, 2008 minutes.wpd

Denny Rehberg's representative. They discussed the Elkhorn Cemetery as well as PILT and secure rural school funding. He and the other members of the Montana delegation are well aware of this and are working towards funding.

### JLDC

Commissioner Lythgoe reported that he attended the JLDC meeting at Marks Lumber last week. Since meeting he has gotten an e-mail with examples of and comments on a new JLDC logo. At the time this process started, they also discussed changing the County logo. This will be put on a future agenda to decide. It was noted that the Commission also needs to look at the narrative on the county webpage and update it.

### SOUTH CAMPUS CONCERNS

Commissioner Weber reported that he met Wednesday with Celia Wolny, Dr. Pallister, Alan LeMieux regarding their concerns with the south campus. Mike Hoffman was also in attendance at the meeting. He stated that he wasn't able to give them a lot of information, as we have no subdivision before us at this time. He gave a list of their concerns to Matt, who will review them and give him direction.

### ANIMAL SHELTER

Commissioner Weber reported that he attended a meeting regarding the need for an animal shelter. The group wants to discuss a mill levy and after discussion, he thinks that they understand that this will need to come forward after they have a more concrete plan. They will be looking for a consultant who can write a grant and help them move forward.

### SOLID WASTE BOARD

Commissioner Weber stated that the Solid Waste Board meeting went pretty smoothly. They are discussing the need to start charging for taking tires. They are also discussing baling the tires, which can then be used for road beds, back walls, etc. This will be an ongoing discussion item.

### ECONOMIC OUTLOOK SEMINAR

Commissioner Weber stated that he went to Missoula on the 25<sup>th</sup> to attend the Economic Outlook Seminar put on by the Bureau of Business and Economic Research. He said that it was a very good conference. They predict that Montana's economy will stay strong. A main emphasis was on education and getting and retaining an educated workforce.

### ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Insurance Deductible: Commissioner Notbohm stated that he stopped by Bonnie's office before the meeting. Maybe he missed something, but our deductible has changed from \$1,000 to \$3,000. We have only budgeted \$1,000. Commissioner Lythgoe stated that he doesn't remember anything from their meeting with Greg Jackson. Bonnie stated that the two claims she just got yesterday don't really affect us, as one has been dropped and Craig has the money in his budget for the other. She was stunned when she got this yesterday, because she wasn't aware of the change. Commissioner Lythgoe requested that Commissioner Weber contact Greg and find

out. Commissioner Weber asked the reason that S&C took so long to process, almost three years. Bonnie stated that she doesn't know. She talked to Craig and Kellie yesterday, and they said that they just both took a long time to process.

TSEP Match Funds: Bonnie stated that she has sent the Commission several e-mails regarding the TSEP match funds and where it comes from. She asked if that could also be part of the discussion at next week's meeting. Bonnie stated that what she budgeted for was the actual grant and the revenue from the grant coming in; we didn't budget any match. The state wants to clearly see that we have designated that money in the bridge budget for match for that project. Commissioner Lythgoe stated that we do have the match in the bridge fund. He asked if it makes a difference that it is going to be more in-kind than cash at this point. Bonnie asked if she should be charging the time that they are expending when they do that project. Commissioner Lythgoe stated that this is correct. Bonnie said that she will have to do a budget transfer. While she has the authority to do transfers, this is something that is coming from the state for specifics, so she would like the Commission's knowledge and approval before she does anything. The money is in the bridge fund, 2130, but is not in the TSEP line. Commissioner Weber asked if she needs a memo from the Commission. Bonnie stated that she just needs an okay; she already has the authority to do it. Commissioner Weber moved to grant Bonnie the permission to move the money from professional services to the TSEP line item. Commissioner Notbohm seconded. The motion carried.

## **SUBDIVISION REVIEW**

### **PRELIMINARY PLAT APPROVAL – TRACT B MINOR SUBDIVISION**

Mike Hoffman, County Planner, presented his staff report for this minor subdivision southwest of Whitehall. The parcel contains 160.01 acres, proposed to be divided into four lots, ranging in size from 24.92 to 73.03 acres in size. The subdivision is not subject to DEQ approval, as the lots are over 20 acres in size. Each lot will need to obtain a septic permit. No new roads are proposed within the subdivision, and approach permits will be required from the Road Department. The local fire district has requested a cash-in-lieu payment. The developer had proposed a dry hydrant and a perpetual easement to a pond for fire protection. The Planning Department and Planning Board would recommend that the developer have the option for a cash-in-lieu payment, but if a water supply hydrant is utilized a perpetual 30-foot emergency easement must be provided. The easement would have a cul-de-sac or hammerhead, and be built to county road standards, and be annotated on the final plat.

Mike stated that the Planning Board recommended preliminary plat approval be granted, based on the staff report, with the addition of condition of approval 17 which would state that the developer be required to upgrade the covenants to contain specific language regarding legal recourse for enforcement of the covenants in the event of litigation between the parties and as established membership guidelines be incorporated into the by-laws. Mike recommended that preliminary plat approval be granted.

Commissioner Weber stated regarding condition of approval 14, if the developer is to build an access road to the pond and either a cul-de-sac or hammerhead, do we have an engineered

design, which is required at preliminary plat approval. Mike stated that they don't, and this was discussed after the planning board meeting. There is still the option of a cash-in-lieu payment. Melissa Tuemler stated that the developer does wish to make the cash-in-lieu payment, and she has a corrected plat, which no longer shows the easement. Commissioner Notbohm asked if the fire department feels that they have enough water in the area that an additional supply isn't needed. Commissioner Weber stated that this is apparently the case.

Commissioner Lythgoe asked about condition of approval 17, and what exactly this means. Mike stated that the board is concerned that the covenants really have no teeth and wanted language in regards to recovery in the event of a lawsuit. Commissioner Weber stated that as he understands it, the covenants have been changed to incorporate that, and to make each landowner a party to the suit. Commissioner Lythgoe stated that it doesn't make sense to make each landowner a party to the suit. If a person or persons feel that the covenants aren't being met, they could sue and if successful, have their legal fees paid. Mike stated that this was the county attorney's take also. Melissa stated that wording was submitted by the county attorney, which was incorporated. Commissioner Lythgoe stated this being the case, he would strike 17, or the language needs to be changed to reflect what the covenants really say. Mike stated that there was no specific language proposed at the planning board meeting, just that it specifies loser pays language. Commissioner Lythgoe stated that he would prefer that new language be added based on the planning board's recommendations. Also, condition of approval 14 should reflect the cash-in-lieu option, and take out the easement. Commissioner Notbohm stated that if we are going to change something, the Planning Board should be notified. Commissioner Lythgoe stated that the Planning Board was aware that this was going to be a point of discussion; they just need to be reported back to as to what was done. Harold stated that if this is taken to the next board meeting, they will be satisfied.

Commissioner Weber moved to grant preliminary plat approval, as revised. Commissioner Lythgoe seconded. Commissioner Notbohm stated that his opinion is that the possibility of water source there would be more valuable than a cash-in-lieu payment. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **DISCUSS AND DECIDE ON MOU BETWEEN JEFFERSON COUNTY AND JLDC REGARDING THE FORMATION OF A TAX INCREMENT FINANCE DISTRICT**

Tara stated that the JLDC has presented a draft MOU regarding the formation of a TIF district. She stated that it is the County's responsibility to take the lead on these, and the MOU clarifies that the County is requesting that the JLDC take the lead in pursuing this.

Commissioner Lythgoe moved to enter into a MOU between the JLDC and Jefferson County regarding the formation of TIF districts in Jefferson County. Commissioner Weber seconded. Commissioner Notbohm asked Tara to outline the benefits of forming a TIF district. Tara stated that the formation of a TIF district takes a considerable amount of time, which the Commission doesn't have. The JLDC does have the time and have set aside some money to hire a consultant with experience with the formation of TIF districts. Commissioner Weber stated that they had a meeting regarding this, and as infrastructure is built, the new taxes generated will go towards the

building of more infrastructures for a period of time. Commissioner Notbohm stated that one thing about this that he didn't understand, if it would be certain projects going up, or just anything. Commissioner Weber explained the one discussed at the meeting with be the Golden Sunlight Business Park. Commissioner Lythgoe stated it also includes the area where the proposed wind farm is to be located. Commissioner Weber stated that the area has to be zoned industrial. Tara stated that the county will get the same amount of taxes, the businesses will pay the full amount of taxes, but the difference will stay in the district to pay for additional infrastructure. Commissioner Lythgoe stated that this has been successfully done all over the country in incorporated communities. He doesn't believe that there have been a lot of rural TIFs created. This is a concept that works really, really well in industrial settings.

Harold stated that one of the things that we need to keep in mind is that we can't count any commercial that goes in there; has to be industrial. Commissioner Weber stated that as Janet explained, the district would be dissolved and we would get 100% of the taxes that we have generated by building what we have built. Commissioner Lythgoe stated that you can count the commercial, but you have to make the focus industrial. The majority has to be industrial.

Bonnie asked if the agreement just for this particular area, or for anywhere in the county. Commissioner Weber stated that this is just to have JLDC do the footwork. Bonnie asked if they would then go to the school districts after the JLDC does their part. Commissioner Weber stated that this is correct. This will allow the JLDC to set up the framework and the County can proceed from there.

The motion carried.

#### DISCUSS AND DECIDE ON BRIDGES FOR TSEP APPLICATION

Commissioner Weber stated that two years ago, Great West Engineering helped us rate and identify bridges to submit for the TSEP program. Six of our bridges were approved and are in the process of being replaced. It is time to do the application again, and Great West has again presented their proposals. The report shows that the bridges on Quaintance Lane, Basin Creek, and Hanson Lane are in the direst need of replacement.

Dave Kirsch mentioned the bridge over the Boulder River to Elkhorn, and a concern with the truck traffic going over it. Discussion followed regarding the exact location of the bridge in question. Commissioner Notbohm stated that it is his recollection that the bridge is in fairly good condition. Commissioner Weber stated that according to the list, the bridge was upgraded or repaired in 1999.

Commissioner Notbohm, in discussion with Great West, Basin Creek isn't in that bad shape, and could wait until the next cycle. Bill's recommendation was to do the one bridge and two culverts. These would be the three worst, and would require less match from the county.

Commissioner Weber suggested that this be pushed to next week's agenda and see if Great West can answer a couple questions for us.

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**